

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

SCOTT THOMAS FORD,

Plaintiff,

v.

NANCY A. BERRYHILL, Acting
Commissioner of Social Security,

Defendant.

) Civil Action No. 7:16CV00244

) **ORDER**

) By: Hon. Glen E. Conrad
United States District Judge

AUG 24 2017
JULIA C. DUDLEY CLERK
BY:
DEPUTY CLERK

This matter was referred to United States Magistrate Robert S. Ballou, pursuant to 28 U.S.C. § 636(b)(1)(B) for proposed findings of fact, conclusions of law, and a recommended disposition. The Magistrate Judge submitted a Report and Recommendation on August 9, 2017, in which he recommends that the Commissioner's motion for summary judgment be denied, and that the plaintiff's motion for summary judgment be granted in part, and remanded for further administrative consideration consistent therewith. No objections to the Report and Recommendation having been filed, the court is of the opinion that the Report and Recommendation should be adopted in its entirety.

It is accordingly

ORDERED

as follows:

1. The August 9, 2017 Report and Recommendation (Dkt. #21) is ADOPTED in its entirety;
2. The plaintiff's motion for summary judgment (Dkt. #13) is GRANTED IN PART, and REMANDED for further administrative consideration consistent therewith;
3. The Commissioner's motion for summary judgment (Dkt. #12) is DENIED;

4. This remand is ordered pursuant to the fourth sentence of 42 U.S.C. § 405(g). The parties are advised that the court considers this remand order to be a "sentence four" remand. See Melkonyan v. Sullivan, 501 U.S. 89, 111 S. Ct. 2157 (1991); Shalala v. Schaefer, 509 U.S. 292, 113 S. Ct. 2625 (1993). Thus, this order of remand is a final order. Id. If the Commissioner should again deny plaintiff's claim for benefits, and should plaintiff again choose to seek judicial review, it will be necessary for plaintiff to initiate a new civil action within sixty (60) days from the date of the Commissioner's final decision on remand. See 42 U.S.C. § 405(g); and

5. This matter is STRICKEN from the active docket of the court.

The Clerk is directed to send a certified copy of this order to all counsel of record.

ENTER this 24th day of August, 2017.



United States District Judge